



Paper No. 6

MAYER, FORTKORT & WILLIAMS, PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

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OFFICE OF PETITIONS

In re Application of	:	
Luo and Sullivan	:	
Application No.: 10/038,882	:	
Filed: January 2, 2002	:	DECISION ACCORDING
Attorney Docket No: 00-18	:	STATUS UNDER
For: BIDIRECTIONAL OPTICAL INTERLEAVER	:	RULE 47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 12, 2002.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

A "Notice to File Missing Parts of Non-Provisional Application" ("Notice") was mailed to petitioner on February 6, 2002, indicating that petitioner did not to file a proper oath or declaration in compliance with 37 CFR 1.63 and that the required claim and filing fees were not remitted.. The Notice also advised petitioner that a \$65.00 surcharge was also due because a proper oath or declaration was not timely filed. The Notice set forth a period of reply of two months from its mailing date and indicated that extensions of time for reply were available pursuant to 37 CFR 1.136(a).

In response thereto, petitioner filed a request for a four- month extension of the time set for reply and the instant petition. Petitioner also filed several accompanying exhibits through which petitioner established that although the inventor Sullivan was presented with a complete copy of the application papers, inventor Sullivan has, to date, failed to execute the same.

10/038,882

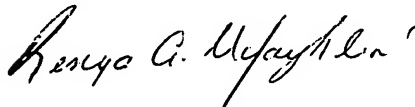
Inventor Sullivan's failure to return the declaration, in spite of his receipt of the same, will be interpreted as constructive refusal to join the prosecution of the application.

Petitioner has shown that the non-signing inventor has refused to join the filing of the above-identified application after having been presented with the application papers, and the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin

Petitions Attorney

Office of Petitions